

ASSEMBLY BILL

No. 129

Introduced by Assembly Member Cohn

January 15, 2003

An act to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 129, as introduced, Cohn. Personal information: driver's licenses.

(1) Existing law, the Information Practices Act of 1977, makes the intentional disclosure of medical, psychiatric, or psychological information in violation of the disclosure provisions of that act, a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains, except for disclosures which are otherwise required or permitted by law.

This bill would prohibit a business, as defined, that uses the information data encoded upon a state driver's license or identification card in order to verify a person's identity or personal information for purposes of conducting business with that person, by electronic means or otherwise, from recording, storing, or retaining that information, or using that information for marketing purposes.

A violation of this prohibition would constitute a misdemeanor punishable by imprisonment in a county jail for no more than one year, or by a fine of no more than \$10,000, or both.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Title 1.81.2 (commencing with Section
2 1798.90.1) is added to Part 4 of Division 3 of the Civil Code, to
3 read:

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5 TITLE 1.81.2. CONFIDENTIALITY OF DRIVER'S
6 LICENSE INFORMATION
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8 1798.90.1. (a) No business that uses the information data
9 encoded upon a state driver's license, as defined in Section 310 of
10 the Vehicle Code, or identification card issued pursuant to Section
11 13000 of the Vehicle Code or any similar provision of law, in order
12 to verify a person's identity or personal information for purposes
13 of conducting business with that person may, by electronic means
14 or otherwise, record, store, or retain that information, or use that
15 information for marketing purposes.

16 (b) As used in this section, "business" means a
17 proprietorship, partnership, corporation, or any other form of
18 commercial enterprise.

19 (c) A violation of this section constitutes a misdemeanor
20 punishable by imprisonment in a county jail for no more than one
21 year, or by a fine of no more than ten thousand dollars (\$10,000),
22 or by both.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

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